

Remarks

Claims 37-40 and 42-46 are canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of the canceled claims in continuing applications. New claims 47-79 are added herein. Support for claims 47-79 can be found, *inter alia*, at paragraphs 76-78 and 152 of the specification. Additional support for claims 60-79 can be found, *inter alia*, at paragraphs 232-234 of the specification.

One skilled in the art, on reviewing the sections of the specification noted above, would understand that a polypeptide of interest represents a native sequence of amino acids (see claims 47 and 60). Further, it would be understood that the polypeptide of interest may be expressed as part of a fusion protein (claims 48 and 61) and that the fusion protein can comprise an affinity tag (claims 50 and 63) which can be located at the C-terminal end (claims 51 and 64). One skilled in the art would also understand that a fusion protein can contain two or more stop codons (claims 49 and 62) where one of the stop codons can be at the end of the C-terminal tag (claims 52 and 65) and one of the stop codons can be within the polypeptide of interest (claims 47, 53, 60 and 66).

No new matter is added by the new claims. Claims 47-79 are pending in the application. Consideration and entry of these remarks and amendments is respectfully requested.

I. Rejections Under 35 U.S.C. § 102(e)

Claims 37-40, 44 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dumas Milne Edwards *et al.* (U.S. Pat. No. 7,060,479) in view of von der Haar *et al.* (*Trends in Microbiology*, 15:78-86, 2007). (Office Action, page 3.) Applicants respectfully disagree but in order to advance prosecution, Applicants have canceled claims and added new claims.

The Examiner asserts that Dumas Milne Edwards *et al.* inherently discloses clone collections with suppressible stop codons. (Office Action, page 4.) While Applicants disagree with the Examiners' assertion, Applicants have canceled claims 37-40, 44 and 46 and added new claims 47-79 which are directed in part to clone collections wherein "each clone comprising an open reading frame which encodes a polypeptide of interest, wherein the open reading frame further comprises an internal stop codon." The present claims encompass a nucleic acid molecule which may have more than one stop codon. For example, in the case of a fusion

protein, there may be a stop codon at the end of the region encoding a C-terminal tag and a second stop codon within the region encoding the polypeptide of interest (see claims 52, 53, 65 and 66).

As noted by the Examiner on page 4 of the Office Action, Dumas Milne Edwards *et al.* discloses nucleic acid sequences that start with a start codon and end with a stop codon. Dumas Milne Edwards *et al.* does not disclose clone collections with an internal stop codon as presently claimed, therefore Dumas Milne Edwards *et al.* does not anticipate claims 47-79.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

II. Rejections Under 35 U.S.C. § 103(a)

Claims 42 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumas Milne Edwards *et al.* in view of von der Haar *et al.* and Stearman *et al.* (*Science*, 271:1552-1557, 1996). (Office Action, page 8.) Applicants respectfully disagree.

Claim 37 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumas Milne Edwards *et al.* in view of von der Haar *et al.* and Senecoff *et al.* (*JBC*, 261:7380-7386, 1986). (Office Action, page 10.) Applicants respectfully disagree.

As noted above, in order to advance prosecution, Applicants have canceled claims 37-40 and 42-46 and added new claims 47-79 which are directed in part to clone collections wherein “each clone comprising an open reading frame which encodes a polypeptide of interest, wherein the open reading frame further comprises an internal stop codon.” None of the cited art, alone or in combination, teach or suggest clone collections with an internal stop codon as presently claimed.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a).

Conclusion

Applicants believe that a full and complete Reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

/Peter G. Foiles/
Registration No. 46,477
Peter G. Foiles
Agent for Applicants
Phone: 240-379-4173

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